

AMENDED IN SENATE JUNE 19, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2108**

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**Introduced by Assembly Member Evans**  
**(Coauthors: Assembly Members Bermudez, Lieber, and Pavley)**

February 17, 2006

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An act to amend Sections 27315, 27361, 27363, 27363.5, 27365, and 42001 of, and to add Sections 27360.1 and 27360.6 to, and to repeal and add Sections 27360 and 27360.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2108, as amended, Evans. Vehicles: child passengers.

(1) Existing law establishes rules of the road governing the operation of vehicles upon the highways. ~~Violation~~ A violation of these rules ~~are~~ is a public ~~offenses~~ offense.

Existing law prohibits a parent or legal guardian, while present in a motor vehicle, from permitting his or her child or ward to be transported upon a highway in the vehicle without providing and properly securing the child or ward in a rear seat in a child passenger restraint system meeting applicable federal safety standards, unless the child or ward is 6 years of age or older or weighs 60 pounds or more. Existing law imposes a similar prohibition on the driver of a vehicle, unless the parent or legal guardian of the child is also present in the vehicle and is not the driver. Existing law places certain duties and restrictions on hospitals, clinics, and birthing centers, as well as car rental agencies, involving providing information and notices regarding child passenger restraint system laws.

This bill would recast these provisions by requiring that a child who is under 8 years of age be secured in a rear seat in an appropriate child passenger restraint system, and by requiring that a child who is 8 years of age or older, but less than 13 years of age, be secured in a rear seat in an appropriate child passenger restraint system or safety belt, thereby expanding the scope of an existing crime. The bill would provide an exception from the child passenger restraint system requirement for a child who is under ~~the age of~~ 8 years *of age*, but who is 4 feet 9 inches tall or taller and who is properly restrained by a safety belt. The bill would prohibit a parent or legal guardian, or driver from transporting a child or ward who is 13 years of age or older, but less than 16 years of age without properly securing the child or ward in an appropriate child passenger restraint system or safety belt.

The bill additionally would require *for transport upon a highway in a motor vehicle, that* a parent or legal guardian, ~~to~~ properly secure his or her child or ward who is under ~~the age of~~ 8 years *of age* in a ~~rear-facing~~ child passenger restraint system meeting applicable federal standards, ~~for transport upon a highway in a motor vehicle that is rear-facing,~~ unless the child or ward is one year of age or older and also weighs 20 pounds or more. The bill would impose a similar requirement on the driver of a vehicle, unless the parent or legal guardian of the child is also present in the vehicle and is not the driver.

The bill would consolidate and make conforming changes in existing law.

Because this bill would expand the scope of existing crimes and would create *a* new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 27315 of the Vehicle Code is amended  
2 to read:

3     27315. (a) The Legislature finds that a mandatory seatbelt  
4 law will contribute to reducing highway deaths and injuries by  
5 encouraging greater usage of existing manual seatbelts, that  
6 automatic crash protection systems which require no action by  
7 vehicle occupants offer the best hope of reducing deaths and  
8 injuries, and that encouraging the use of manual safety belts is  
9 only a partial remedy for addressing this major cause of death  
10 and injury. The Legislature declares that the enactment of this  
11 section is intended to be compatible with support for federal  
12 safety standards requiring automatic crash protection systems and  
13 should not be used in any manner to rescind federal requirements  
14 for installation of automatic restraints in new cars.

15     (b) This section shall be known and may be cited as the Motor  
16 Vehicle Safety Act.

17     (c) (1) As used in this section, “motor vehicle” means a  
18 passenger vehicle, a motortruck, or a truck tractor, but does not  
19 include a motorcycle.

20     (2) For purposes of this section, a “motor vehicle” also means  
21 any farm labor vehicle, regardless of the date of certification  
22 under Section 31401.

23     (d) (1) A person may not operate a motor vehicle on a  
24 highway unless that person and all passengers 16 years of age or  
25 over are properly restrained by a safety belt. This paragraph does  
26 not apply to the operator of a taxicab, as defined in Section  
27 27908, when the taxicab is driven on a city street and is engaged  
28 in the transportation of a fare-paying passenger. The safety belt  
29 requirement established by this paragraph is the minimum safety  
30 standard applicable to employees being transported in a motor  
31 vehicle. This paragraph does not preempt any more stringent or  
32 restrictive standards imposed by the Labor Code or any other  
33 state or federal regulation regarding the transportation of  
34 employees in a motor vehicle.

35     (2) The operator of a limousine for hire or the operator of an  
36 authorized emergency vehicle, as defined in subdivision (a) of  
37 Section 165, may not operate the limousine for hire or authorized  
38 emergency vehicle unless the operator and any passengers 13

1 years of age or over, in the front seat are properly restrained by a  
2 safety belt.

3 (3) The operator of a taxicab may not operate the taxicab  
4 unless any passengers 13 years of age or over, in the front seat  
5 are properly restrained by a safety belt.

6 (e) A person 16 years of age or over may not be a passenger in  
7 a motor vehicle on a highway unless that person is properly  
8 restrained by a safety belt. This subdivision does not apply to a  
9 passenger in a sleeper berth, as defined in subdivision (v) of  
10 Section 1201 of Title 13 of the California Code of Regulations.

11 (f) Every owner of a motor vehicle, including every owner or  
12 operator of a taxicab, as defined in Section 27908, or a limousine  
13 for hire, operated on a highway shall maintain safety belts in  
14 good working order for the use of occupants of the vehicle. The  
15 safety belts shall conform to motor vehicle safety standards  
16 established by the United States Department of Transportation.  
17 This subdivision does not, however, require installation or  
18 maintenance of safety belts where not required by the laws of the  
19 United States applicable to the vehicle at the time of its initial  
20 sale.

21 (g) This section does not apply to a passenger or operator with  
22 a physically disabling condition or medical condition which  
23 would prevent appropriate restraint in a safety belt, if the  
24 condition is duly certified by a licensed physician and surgeon or  
25 by a licensed chiropractor who shall state the nature of the  
26 condition, as well as the reason the restraint is inappropriate. This  
27 section also does not apply to a public employee, when in an  
28 authorized emergency vehicle as defined in paragraph (1) of  
29 subdivision (b) of Section 165, or to any passenger in any seat  
30 behind the front seat of an authorized emergency vehicle as  
31 defined in paragraph (1) of subdivision (b) of Section 165  
32 operated by the public employee, unless required by the agency  
33 employing the public employee.

34 (h) Notwithstanding subdivision (a) of Section 42001, a  
35 violation of subdivision (d), (e), or (f) is an infraction punishable  
36 by a fine of not more than twenty dollars (\$20) for a first offense,  
37 and a fine of not more than fifty dollars (\$50) for each  
38 subsequent offense. In lieu of the fine and any penalty  
39 assessment or court costs, the court, pursuant to Section 42005,  
40 may order that a person convicted of a first offense attend a

1 school for traffic violators or any other court-approved program  
2 in which the proper use of safety belts is demonstrated.

3 (i) In a civil action, a violation of subdivision (d), (e), or (f) or  
4 information of a violation of subdivision (h) does not establish  
5 negligence as a matter of law or negligence per se for  
6 comparative fault purposes, but negligence may be proven as a  
7 fact without regard to the violation.

8 (j) If the United States Secretary of Transportation fails to  
9 adopt safety standards for manual safety belt systems by  
10 September 1, 1989, a motor vehicle manufactured after that date  
11 for sale or sold in this state shall not be registered unless it  
12 contains a manual safety belt system which meets the  
13 performance standards applicable to automatic crash protection  
14 devices adopted by the Secretary of Transportation pursuant to  
15 Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R.  
16 571.208) as in effect on January 1, 1985.

17 (k) Each motor vehicle offered for original sale in this state  
18 which has been manufactured on or after September 1, 1989,  
19 shall comply with the automatic restraint requirements of Section  
20 S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49  
21 C.F.R. 571.208), as published in Volume 49 of the Federal  
22 Register, No. 138, page 29009. ~~Any~~ *An* automobile manufacturer  
23 who sells or delivers a motor vehicle subject to the requirements  
24 of this subdivision, and fails to comply with this subdivision,  
25 shall be punished by a fine of not more than five hundred dollars  
26 (\$500) for each sale or delivery of a noncomplying motor  
27 vehicle.

28 (l) Compliance with subdivision (j) or (k) by a manufacturer  
29 shall be made by self-certification in the same manner as  
30 self-certification is accomplished under federal law.

31 (m) This section does not apply to a person actually engaged  
32 in delivery of newspapers to customers along the person's route  
33 if the person is properly restrained by a safety belt prior to  
34 commencing and subsequent to completing delivery on the route.

35 (n) This section does not apply to a person actually engaged in  
36 collection and delivery activities as a rural delivery carrier for the  
37 United States Postal Service if the person is properly restrained  
38 by a safety belt prior to stopping at the first box and subsequent  
39 to stopping at the last box on the route.

(o) This section does not apply to a driver actually engaged in the collection of solid waste or recyclable materials along that driver's collection route if the driver is properly restrained by a safety belt prior to commencing and subsequent to completing the collection route.

(p) Subdivisions (d), (e), (f), (g), and (h) shall become inoperative immediately upon the date that the United States Secretary of Transportation, or his or her delegate, determines to rescind the portion of the Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) which requires the installation of automatic restraints in new motor vehicles, except that those subdivisions shall not become inoperative if the secretary's decision to rescind that Standard No. 208 is not based, in any respect, on the enactment or continued operation of those subdivisions.

SEC. 2. Section 27360 of the Vehicle Code is repealed.

SEC. 3. Section 27360 is added to the Vehicle Code, to read:

27360. (a) A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in Section 27315, a child or ward who is under eight years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.

(b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

SEC. 4. Section 27360.1 is added to the Vehicle Code, to read:

27360.1. (a) A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in Section 27315, a child or ward who is eight years of age or older, but less than 13 years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.

(b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

SEC. 5. Section 27360.5 of the Vehicle Code is repealed.

1 SEC. 6. Section 27360.5 is added to the Vehicle Code, to  
2 read:

3 27360.5. (a) A parent, legal guardian, or driver shall not  
4 transport on a highway in a motor vehicle, as defined in Section  
5 27315, a child or ward who is 13 years of age or older, but less  
6 than 16 years of age, without properly securing that child or ward  
7 in an appropriate child passenger restraint system or safety belt  
8 meeting applicable federal motor vehicle safety standards.

9 (b) Subdivision (a) does not apply to a driver if the parent or  
10 legal guardian of the child is also present in the motor vehicle  
11 and is not the driver.

12 SEC. 7. Section 27360.6 is added to the Vehicle Code, to  
13 read:

14 27360.6. (a) (1) For a conviction under Section 27360,  
15 27360.1, or 27360.5, a first offense is punishable by a fine of one  
16 hundred dollars (\$100), except that the court may reduce or  
17 waive the fine if the defendant establishes to the satisfaction of  
18 the court that he or she is economically disadvantaged, and the  
19 court, instead, refers the defendant to a community education  
20 program that includes, but is not limited to, education on the  
21 proper installation and use of a child passenger restraint system  
22 for children of all ages, and provides certification to the court of  
23 completion of that program. Upon completion of the program,  
24 the defendant shall provide proof of participation in the program.  
25 If an education program on the proper installation and use of a  
26 child passenger restraint system is not available within 50 miles  
27 of the residence of the defendant, the requirement to participate  
28 in that program shall be waived. If the fine is paid, waived, or  
29 reduced, the court shall report the conviction to the department  
30 pursuant to Section 1803.

31 (2) The court may require a defendant described under  
32 paragraph (1) to attend an education program that includes  
33 demonstration of proper installation and use of a child passenger  
34 restraint system and provides certification to the court that the  
35 defendant has presented for inspection a child passenger restraint  
36 system that meets applicable federal safety standards.

37 (b) (1) A second or subsequent conviction of the same section  
38 is punishable by a fine of two hundred fifty dollars (\$250), no  
39 part of which may be waived by the court, except that the court  
40 may reduce or waive the fine if the defendant establishes to the

1 satisfaction of the court that he or she is economically  
2 disadvantaged, and the court, instead refers the defendant to a  
3 community education program that includes, but is not limited to,  
4 education on the proper installation and use of child passenger  
5 restraint systems for children of all ages, and provides  
6 certification to the court of completion of that program. Upon  
7 completion of the program, the defendant shall provide proof of  
8 participation in the program. If an education program on the  
9 proper installation and use of a child passenger restraint system is  
10 not available within 50 miles of the residence of the defendant,  
11 the requirement to participate in that program shall be waived. If  
12 the fine is paid, waived, or reduced, the court shall report the  
13 conviction to the department pursuant to Section 1803.

14 (2) The court may require a defendant described under  
15 paragraph (1) to attend an education program that includes  
16 demonstration of proper installation and use of a child passenger  
17 restraint system and provides certification to the court that the  
18 defendant has presented for inspection a child passenger restraint  
19 system that meets applicable federal safety standards.

20 (c) Notwithstanding any other provision of law, the fines  
21 collected under this section shall be allocated as follows:

22 (1) (A) Sixty percent to health departments of local  
23 jurisdictions where the violation occurred, to be used for a  
24 community education program that includes, but is not limited to,  
25 demonstration of the installation of a child passenger restraint  
26 system for children of all ages and also assists an economically  
27 disadvantaged family in obtaining a restraint system through a  
28 low-cost purchase or loan. The county or city health department  
29 shall designate a coordinator to facilitate the creation of a special  
30 account and to develop a relationship with the court system to  
31 facilitate the transfer of funds to the program. The county or city  
32 may contract for the implementation of the program. Prior to  
33 obtaining possession of a child passenger restraint system  
34 pursuant to this section, a person shall attend an education  
35 program that includes demonstration of proper installation and  
36 use of a child passenger restraint system.

37 (B) As the proceeds from fines become available, county or  
38 city health departments shall prepare and maintain a listing of all  
39 child passenger restraint low-cost purchase or loaner programs in  
40 their counties, including a semiannual verification that all



1 programs listed are in existence. Each county or city shall  
2 forward the listing to the Office of Traffic Safety in the Business,  
3 Transportation and Housing Agency and the courts, birthing  
4 centers, community child health and disability prevention  
5 programs, county clinics, prenatal clinics, women, infants, and  
6 children programs, and county hospitals in that county, who shall  
7 make the listing available to the public. The Office of Traffic  
8 Safety shall maintain a listing of all of the programs in the state.

9 (2) Twenty-five percent to the county or city for the  
10 administration of the program.

11 (3) Fifteen percent to the city, to be deposited in its general  
12 fund except that, if the violation occurred in an unincorporated  
13 area, this amount shall be allocated to the county for purposes of  
14 paragraph (1).

15 SEC. 8. Section 27361 of the Vehicle Code is amended to  
16 read:

17 27361. A law enforcement officer reasonably suspecting a  
18 violation of Section 27360, 27360.1, or 27360.5, may stop a  
19 vehicle transporting a child appearing to the officer to be within  
20 the age specified in Section 27360, 27360.1, or 27360.5. The  
21 officer may issue a notice to appear for a violation of Section  
22 27360, 27360.1, or 27360.5.

23 SEC. 9. Section 27363 of the Vehicle Code is amended to  
24 read:

25 27363. (a) The court may exempt from the requirements of  
26 this article a class of child by age, weight, or size if it is  
27 determined that the use of a child passenger restraint system  
28 would be impractical by reason of physical unfitness, medical  
29 condition, or size. The court may require satisfactory proof of the  
30 child's physical unfitness, medical condition, or size and that an  
31 appropriate special needs child passenger restraint system is not  
32 available.

33 (b) In case of a life-threatening emergency, or when a child is  
34 being transported in an authorized emergency vehicle, if a child  
35 passenger restraint system ~~available~~ is not available, a child may  
36 be transported without the use of that system, but the child shall  
37 be secured by a seatbelt.

38 (c) A child weighing more than 40 pounds may be transported  
39 in the back seat of a vehicle while wearing only a lap safety belt

1 when the back seat of the vehicle is not equipped with a  
2 combination lap and shoulder safety belt.

3 (d) (1) Notwithstanding Section 27360, a child or ward under  
4 the age of eight years who is 4 feet 9 inches in height or taller  
5 may be properly restrained by a safety belt rather than a child  
6 passenger restraint system.

7 (2) For purposes of Section 27360, a child shall be properly  
8 secured in a rear-facing child passenger restraint system unless  
9 that child is one year of age or more and also weighs 20 pounds  
10 or more.

11 (e) For purposes of ~~Section~~ *Sections* 27360 and 27360.1, a  
12 child or ward under 13 years of age may ride properly secured in  
13 an appropriate child passenger restraint system or safety belt  
14 meeting applicable federal motor vehicle safety standards in the  
15 front seat of a motor vehicle under the following circumstances::

16 (1) There is no rear seat.

17 (2) The rear seats are side-facing jump seats.

18 (3) The rear seats are rear-facing seats.

19 (4) The child passenger restraint system cannot be installed  
20 properly in the rear seat.

21 (5) All rear seats are already occupied by children 12 years of  
22 age or under.

23 (6) Medical reasons necessitate that the child or ward not ride  
24 in the rear seat. The court may require satisfactory proof of the  
25 child's medical condition.

26 (f) Notwithstanding subdivision (e), a child shall not be  
27 transported in a rear-facing child passenger restraint system in  
28 the front seat of a motor vehicle that is equipped with an active  
29 frontal passenger airbag.

30 SEC. 10. Section 27363.5 of the Vehicle Code is amended to  
31 read:

32 27363.5. (a) A public or private hospital, clinic, or birthing  
33 center, shall, at the time of the discharge of a child provide and  
34 discuss information on the current law requiring child passenger  
35 restraint systems safety belts and transporting children in rear  
36 seats to the parents or to the person to whom the child is released  
37 if the child is under 13 years of age.

38 (b) A public or private hospital, clinic, or birthing center shall  
39 not be responsible for the failure of the parent or person to whom  
40 the child is released to properly transport the child.

1 SEC. 11. Section 27365 of the Vehicle Code is amended to  
2 read:

3 27365. (a) (1) A car rental agency in California shall inform  
4 each of its customers of Section 27360 by posting, in a place  
5 conspicuous to the public in each established place of business of  
6 the agency, a notice not smaller than 15 by 20 inches which  
7 states the following: "CALIFORNIA LAW REQUIRES ALL  
8 CHILDREN UNDER 8 YEARS OF AGE TO BE  
9 TRANSPORTED IN THE REAR SEAT OF THE VEHICLE IN  
10 A CHILD RESTRAINT SYSTEM. CALIFORNIA LAW  
11 REQUIRES ALL CHILDREN BETWEEN 8 AND 12 YEARS  
12 OF AGE TO BE TRANSPORTED IN THE REAR SEAT OF  
13 THE VEHICLE IN EITHER A CHILD RESTRAINT SYSTEM  
14 OR A SAFETY BELT. THIS AGENCY IS REQUIRED TO  
15 PROVIDE FOR RENTAL A CHILD RESTRAINT SYSTEM IF  
16 YOU DO NOT HAVE A CHILD RESTRAINT SYSTEM  
17 YOURSELF."

18 (2) The posted notice specified in paragraph (1) is not required  
19 if the car rental agency's place of business is located in a hotel  
20 that has a business policy prohibiting the posting of signs or  
21 notices in any area of the hotel. In that case, a car rental agency  
22 shall furnish a written notice to each customer that contains the  
23 same information as required for the posted notice.

24 (b) A car rental agency in California shall have available for,  
25 and shall, upon request, provide for rental to, adults traveling  
26 with children under eight years of age, child passenger restraint  
27 systems that are certified by the manufacturer to meet applicable  
28 federal motor vehicle safety standards for use by children, are in  
29 good and safe condition, with no missing original parts, and are  
30 not older than five years.

31 (c) A violation of this section is an infraction punishable by a  
32 fine of one hundred dollars (\$100).

33 SEC. 12. Section 42001 of the Vehicle Code is amended to  
34 read:

35 42001. (a) Except as provided in subdivision (e) of Section  
36 21464, or Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5,  
37 42001.7, 42001.8, 42001.9, 42001.11, 42001.12, 42001.13,  
38 42001.14, 42001.15, 42001.16, or subdivision (a) of Section  
39 42001.17, Section 42001.18, or Section 42001.20, or subdivision  
40 (b), (c), or (d) of this section, Article 3.3 (commencing with

1 Section 27360) of Chapter 5 of Division 12, or Article 2  
2 (commencing with Section 42030), a person convicted of an  
3 infraction for a violation of this code or of a local ordinance  
4 adopted pursuant to this code shall be punished as follows:

5 (1) By a fine not exceeding one hundred dollars (\$100).

6 (2) For a second infraction occurring within one year of a prior  
7 infraction which resulted in a conviction, a fine not exceeding  
8 two hundred dollars (\$200).

9 (3) For a third or any subsequent infraction occurring within  
10 one year of two or more prior infractions which resulted in  
11 convictions, a fine not exceeding two hundred fifty dollars  
12 (\$250).

13 (b) Every person convicted of a misdemeanor violation of  
14 Section 2800, 2801, or 2803, insofar as they affect failure to stop  
15 and submit to inspection of equipment or for an unsafe condition  
16 endangering any person, shall be punished as follows:

17 (1) By a fine not exceeding fifty dollars (\$50) or imprisonment  
18 in the county jail not exceeding five days.

19 (2) For a second conviction within a period of one year, a fine  
20 not exceeding one hundred dollars (\$100) or imprisonment in the  
21 county jail not exceeding 10 days, or *by* both that fine and  
22 imprisonment.

23 (3) For a third or any subsequent conviction within a period of  
24 one year, a fine not exceeding five hundred dollars (\$500) or  
25 imprisonment in the county jail not exceeding six months, or *by*  
26 both that fine and imprisonment.

27 (c) A pedestrian convicted of an infraction for a violation of  
28 this code or any local ordinance adopted pursuant to this code  
29 shall be punished by a fine not exceeding fifty dollars (\$50).

30 (d) A person convicted of a violation of subdivision (a) or (b)  
31 of Section 27150.3 shall be punished by a fine of two hundred  
32 fifty dollars (\$250), and a person convicted of a violation of  
33 subdivision (c) of Section 27150.3 shall be punished by a fine of  
34 one thousand dollars (\$1,000).

35 (e) Notwithstanding ~~any~~ *a* other provision of law, any local  
36 public entity that employs peace officers, as designated under  
37 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2  
38 of the Penal Code, the California State University, and the  
39 University of California may, by ordinance or resolution,  
40 establish a schedule of fines applicable to infractions committed

1 by bicyclists within its jurisdiction. ~~Any~~ A fine, including all  
2 penalty assessments and court costs, established pursuant to this  
3 subdivision shall not exceed the maximum fine, including  
4 penalty assessment and court costs, otherwise authorized by this  
5 code for that violation. If a bicycle fine schedule is adopted, it  
6 shall be used by the courts having jurisdiction over the area  
7 within which the ordinance or resolution is applicable instead of  
8 the fines, including penalty assessments and court costs,  
9 otherwise applicable under this code.

10 SEC. 13. No reimbursement is required by this act pursuant  
11 to Section 6 of Article XIII B of the California Constitution  
12 because the only costs that may be incurred by a local agency or  
13 school district will be incurred because this act creates a new  
14 crime or infraction, eliminates a crime or infraction, or changes  
15 the penalty for a crime or infraction, within the meaning of  
16 Section 17556 of the Government Code, or changes the  
17 definition of a crime within the meaning of Section 6 of Article  
18 XIII B of the California Constitution.